



# Broward County

## Legislation Text

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File #: 20-2141, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Bertha Henry

**Department:** County Administration

### **Information**

#### **Requested Action**

**MOTION TO DIRECT** County Administrator to apply the most recently approved Local Preference Ordinance criteria, for the assignment of location points, for Requests for Proposals (RFP) opened between December 4, 2019 through June 2, 2020 that are currently in the evaluation process.

#### **Why Action is Necessary**

Provides Board direction regarding the assignment of location points for Requests for Proposals that opened prior to codification of the revised Local Preference ordinance.

#### **What Action Accomplishes**

Provides direction to staff for the assignment of location points for RFPs that opened between December 4, 2019 through June 2, 2020 that are in the process of being evaluated.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

None.

#### **Summary Explanation/Background**

THE OFFICE OF THE COUNTY ADMINISTRATOR AND THE PURCHASING DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

On December 3, 2019 (Item No. 82), the Board directed the County Administrator to develop fair and objective criteria for the application of the 5% local business preference for competitive solicitations, and directed the Office of the County Attorney to draft any necessary amendments to the Broward County Code of Ordinances ("Code") or the Broward County Procurement Code to codify same. The Board discussed the then-current policy of using the Principal Address listed in the Florida Division of Corporations records (Sunbiz.org/Sunbiz) for determining a firm's "nerve center" and therefore the award of location points.

The new criteria was developed, and on March 31, 2020 (Item No. 45), a public hearing was scheduled to the Board to consider amending Sections 1-74 and 1-75 of the Code to codify the new criteria. Due to the COVID-19 pandemic, public hearings set for that day were continued indefinitely.

On June 2, 2020 (Item No. 50), the Board passed and adopted Ordinance No. 2020-24, amending local preference requirements for local businesses and locally-based businesses. This amendment formally eliminated Sunbiz as the determining factor for assignment of location points, effective June 4, 2020.

The issue of location points has been raised in relation to one pending solicitation that was advertised prior to the effective date of the changed criteria. Staff seeks direction from the Board on whether to apply to this solicitation the new criteria (enacted on June 2, 2020) or the prior “Sunbiz” test (which was in place when the solicitation was advertised) to determine location points.

**Source of Additional Information**

Brenda J. Billingsley, Director, Purchasing Division, (954) 357-6070

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

There is no fiscal impact.